HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 17231 OF 2006

DATED: 21.8.2006

Between:

P. Chandrasekhar

… Petitioner

and

The Principal Secretary, Home Department and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.17231 OF 2006

ORAL ORDER:

Petitioner seeks compensation for what is alleged to be a tortious State action of indiscriminate police firing whereat he was injured, though he was innocent nor was he involved in the fracas.

The event is stated to have occurred on 6.12.2003, nearly 3 years ago. The petitioner claims to have made a representation on 26.3.2004 through a legal notice, claiming compensation of Rs.6 lakhs. This is alleged not to have been responded to.

The petitioner has an alternative and efficacious remedy by way of a civil suit. This court is not inclined to adjudicate upon the issues raised in this writ petition, as there are potential disputed questions of fact. The presence of the petitioner on 6.12.2003 at the place where the event is stated to have occurred may have to be established; the claim that the petitioner was injured

as a result of police firing and on account of police bullets may also be a disputed question of fact. If the police firing is in exercise of a sovereign power and the obligation of maintaining law and order, the liability of the police to compensate the petitioner, may also have to be considered which equally requires the establishment of various factual circumstances as to the legitimacy or justification for the firing and a whole lot of other such factual circumstances. Such factual matters are more appropriately determined in a civil suit.

The writ petition is accordingly dismissed with liberty to the petitioner to pursue appropriate remedies. No order as to costs.

GODA RAGHURAM, J

Date: 21.8.2006
CVM